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Amendment and Response Under 37 C.F.R. §1.116 - Expedited Examining Procedure

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Serial No.: 09/941,495

Confirmation No.: 7146

Filed: August 29, 2001

For: ADHESIVE COMPOSITION FOR USE IN PACKAGING APPLICATIONS**Remarks**

The Office Action mailed May 5, 2003 has been received and reviewed. Claims 15 and 18 having been amended, the pending claims are claims 15-16, 18-21, and 83-92.

Claim 15 has been amended to provide further clarification of the antecedent basis for the adhesive component.

Claim 18 has been rewritten in independent form, incorporating the language of independent claim 15 as amended.

Reconsideration and withdrawal of the rejections are respectfully requested.

Rejection under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claims 15-16, 18-21, and 83-92 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner stated that it is unclear what is meant by "at least one optional." Applicants respectfully traverse the rejection.

Applicants note that independent claims 15 and 19 were amended to delete the term "optional" in the Amendment and Response mailed February 20, 2003. Thus, none of the currently pending claims recite the term "optional." Applicants respectfully submit that claims 15-16, 18-21, and 83-92 clearly and distinctly define the subject matter which Applicants regard as the invention, and request that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §112, second paragraph.

In the event that the rejection of claims 15-16, 18-21, and 83-92 under 35 U.S.C. §112, second paragraph, is maintained, further clarification of the basis for the rejection is respectfully requested in the next Official Communication.

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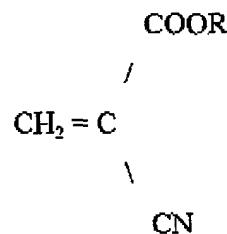
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For: ADHESIVE COMPOSITION FOR USE IN PACKAGING APPLICATIONS**Rejection under 35 U.S.C. §102**

The Examiner rejected claims 15-16 and 83-87 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Pat. No. 4,837,260 (Sato et al.). Applicants respectfully traverse the rejection.

"[F]or anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly." M.P.E.P. §706.02 (emphasis added). Independent claim 15 (as amended) of the present application recites, among other things, that the adhesive component (i.e., a cyanoacrylate adhesive, an anaerobic acrylic adhesive, and mixture thereof) "comprises a monomer of the formula:



wherein R is selected from the group of an alkaryl, a cycloalkenyl, an aralkyl, a 2-chlorobutyl group, a methallyl group, a crotyl group, and a 2-methoxyethyl group." Applicants respectfully submit that Sato et al. fail to teach or suggest an adhesive component as defined in claim 15.

Thus, Applicants respectfully submit that Sato et al. fail to anticipate independent claim 15 and dependent claims 16 and 83-87. Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 15-16 and 83-87 under 35 U.S.C. §102(b).

Rejection under 35 U.S.C. §103

The Examiner rejected claims 15-16 and 83-87 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Pat. No. 4,837,260 (Sato et al.).

"To establish a *prima facie* case of obviousness . . . the prior art reference (or references when combined) must teach or suggest all the claim limitations." M.P.E.P.

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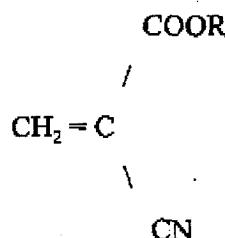
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§706.02(j). Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness.

As discussed herein above in the remarks in response to the rejection under 35 U.S.C. §102(b), Sato et al. fail to teach or suggest, among other things, an adhesive component that comprises a monomer of the formula:



wherein R is selected from the group of an alkaryl, a cycloalkenyl, an aralkyl, a 2-chlorobutyl group, a methallyl group, a crotyl group, and a 2-methoxyethyl group (e.g., independent claim 15). Thus, Applicants respectfully submit that Sato et al. fail to teach or suggest the subject matter of independent claim 15 and dependent claims 16 and 83-87.

Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 15-16 and 83-87 under 35 U.S.C. §103(a).

Allowable Subject Matter

Applicants thank the Examiner for indicating the allowability of claims 19-21 and 88-92.

Applicants also thank the Examiner for indicating that claim 18 would be allowable if rewritten in independent form. Claim 18 having been rewritten in independent form, Applicants respectfully request that the Examiner pass claim 18 on to allowance.

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Summary

It is respectfully submitted that all the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

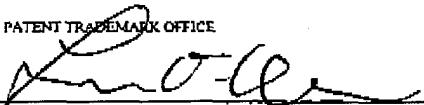
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July 8, 2003
Date

CERTIFICATE UNDER 37 CFR 81.8:

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Assistant Commissioner for Patents, Mail Stop AF, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8th day of July, 2003, at 3:25 PM (Central Time).

By: Loren D. Albin
Name: Loren D. Albin
